

Exhibit 37

*INDUSTRIA DE ALIMENTOS ZENU S.A.S. VS.
LATINFOOD U.S. CORP., ET AL.*

*JALINE ISIDOR HORTA
March 7, 2019
Confidential*



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Min-U-Script® with Word Index

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2 Q. So was it in your late 20s or early
3 20s?

4 A. In my late 20s.

5 Q. Was it in the last three years?

6 A. I don't remember.

7 Q. If you can list for me any post
8 high school degrees that you have and tell me
9 where you got them from and what they're in.

10 A. I received a bachelor's of fine
11 arts and an associate's degree in business from
12 Montclair State University.

13 Q. If you can -- I want to discuss
14 your employment history. If you can tell me
15 starting with your first job after high school
16 what that job was, what your responsibilities
17 were, and how long you worked at that job for.

18 A. My first job was at Toys R Us,
19 where I worked there for three years, and my
20 job was customer service.

21 Q. And following that?

22 A. I worked at TD Bank as a teller for
23 three years as well and then after that I
24 worked -- now I currently work at Ciabo Meat
25 Products for about six years to present day.

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2 Q. What is your position at Ciabo
3 Meats?

4 A. Marketing handler.

5 Q. Has that position changed over
6 time?

7 A. No.

8 Q. What are your responsibilities as
9 marketing handler?

10 A. The social media and creating
11 advertisements for print.

12 Q. Other than your job at Ciabo Meats,
13 do you hold any other jobs?

14 A. No.

15 Q. What is Vieca Import & Export?

16 A. It is a company that my uncle
17 started.

18 Q. Do you have any responsibilities
19 vis-a-vis Vieca Import & Export?

20 A. I am secretary there.

21 Q. Is that your official position?

22 A. Yes.

23 Q. What are your responsibilities as
24 secretary?

25 A. It's undefined.

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2 Q. How many hours a week do you work
3 there?

4 A. It's mixed in with Ciabo Meats.
5 It's --

6 Q. What do you mean by that?

7 A. It's an import and export company,
8 but we don't really do business with, like,
9 clients all the time so it's very hard to
10 pinpoint a certain hour -- office hours for it
11 because it doesn't -- it's not an actual
12 building that exists. So we work out of Ciabo.
13 It's like a sister company.

14 Q. What does -- what products does
15 Vieca import and export?

16 A. We currently import cookies from
17 Puerto Rico.

18 Q. Do you export anything?

19 A. No. Not to my knowledge.

20 Q. Other than cookies, in the past
21 what other products have you --

22 A. We have done Kola Real, which is a
23 soda, and garlic --

24 Q. And is that also --

25 A. -- based -- from Dominican

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2 Republic.

3 Q. Okay. I was going to ask if that's
4 also from Puerto Rico, but it seems you also
5 import from the Dominican Republic.

6 Have you ever imported from
7 Colombia?

8 A. No.

9 MS. TUFARIELLO: If I may
10 interrupt, please let him ask the
11 question, answer, and then -- because you
12 guys interrupted a couple of times and as
13 a courtesy to the court reporter, who's
14 trying to take all of this down, we want
15 to make sure the transcript is clear, so
16 let him finish the question before you
17 give an answer.

18 Q. You mentioned that Vieca Import is
19 your uncle's business?

20 A. Yes.

21 Q. What is your uncle's name?

22 A. Hienz Vieluf.

23 Q. How do you spell that?

24 A. H-I-E-N-Z Vieluf, V-I-E-L-U-F.

25 Q. What is Ciabo Meats' business?

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2 A. It is a manufacturing company.

3 Q. What does it manufacture?

4 A. Meat goods.

5 Q. When was it founded?

6 A. 1969.

7 Q. Who founded it?

8 A. My grandfather founded it.

9 Q. What is your grandfather's name?

10 A. Siegfried Vieluf,

11 S-I-E-G-F-R-I-E-D.

12 Q. Who currently owns it?

13 A. My uncle Hienz Vieluf.

14 Q. Who is Julio Isidor?

15 A. Julio Isidor is my father.

16 Q. Does he work at Ciabo Meats?

17 A. Yes, he does.

18 Q. What's his position?

19 A. He is the general manager.

20 Q. How many years has he been in that
21 position?

22 A. I don't know.

23 Q. Is it more than five years?

24 A. Yes.

25 Q. More than ten years?

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2 A. Yes.

3 Q. More than fifteen years?

4 A. Yes.

5 Q. More than twenty years?

6 A. Yes.

7 Q. How many employees does Ciabo Meats
8 have?

9 A. I don't know.

10 Q. Can you give me an approximation?

11 A. About 60.

12 Q. Other than your dad, do any other
13 family members work at Ciabo Meats?

14 A. Yes.

15 Q. Who are they?

16 A. A lot of us.

17 Q. Let's just start with your
18 immediate family.

19 A. My mother.

20 Q. Okay. What's her name?

21 A. Lutzi, L-U-T-Z-I --

22 Q. Mm-hmm.

23 A. -- vieluf Isidor.

24 Q. Anyone else from your immediate
25 family?

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2 Q. Was it in the last year?

3 A. It was not in the last year.

4 Q. Was it in the last two years?

5 A. It was not in the last two years.

6 Q. Was it in the year 2013?

7 A. Yes. It was sometime within that
8 year.

9 Q. How much was Yayi Photography paid,
10 approximately, for the work that it did for
11 Mr. Zuluaga or Latinfoods?

12 A. I don't remember.

13 Q. Was it more than a thousand
14 dollars?

15 A. I don't remember.

16 Q. How did you first meet Mr. Zuluaga?

17 A. I first met him when he went to
18 Ciabo Meat Products.

19 Q. How did he come to Ciabo Meat
20 Products?

21 A. I don't know.

22 Q. Did you have any type of social
23 relationship with Mr. Zuluaga prior to him
24 coming to Ciabo Meat Products?

25 A. No, I did not.

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2 Q. Did anyone in your immediate family
3 have a social relationship with Mr. Zuluaga?

4 A. I don't know.

5 Q. Did anyone in your family,
6 immediate family, have a business relationship
7 with Mr. Zuluaga?

8 A. I don't know.

9 Q. When did Ciabo start working with
10 Mr. Zuluaga?

11 A. Sometime in 2013.

12 Q. What did Mr. Zuluaga come to Ciabo
13 Meats for?

14 A. Mr. Zuluaga wanted us to do a
15 private label for him.

16 Q. What do you mean by "private
17 label"?

18 A. Since we are manufacturers, we have
19 our own label, which is Ciabo Meat Products,
20 and we offer our services to other companies
21 that also want a similar product like ours.

22 Q. So is it where Ciabo Meats produces
23 the products but then it's under a different
24 company's brand?

25 A. Something like that. It's more

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2 like if they have their own recipe, then we
3 will try to our best abilities replicate the
4 recipe that they come with or we offer some
5 recipes that we already have that are staple to
6 manufacture the product that they want.

7 Q. Who at Ciabo Meats worked with
8 Mr. Zuluaga and Latinfoods?

9 A. I worked with him, Julio Isidor
10 worked with him. I'm not sure if anyone else
11 did.

12 Q. Other than Mr. Zuluaga, was there
13 anyone at Latinfoods that you worked with?

14 A. Not to my knowledge.

15 Q. And then other than Mr. Zuluaga,
16 was there anyone at Latinfoods that Julio
17 worked with?

18 A. Not to my knowledge.

19 Q. What did Mr. Zuluaga -- what was
20 his request when he came to Ciabo Meats?

21 A. He wanted to do sausages at our
22 company.

23 Q. Did he explain what type of
24 sausages?

25 A. Chorizo, sausage links, and salami.

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2 Q. How did you communicate with
3 Mr. Zuluaga?

4 A. Mainly by phone and some e-mails
5 exchanged,

6 Q. Did you ever use text message?

7 A. No, I did not.

8 Q. When you were actively working on
9 this project with him, how often did you
10 communicate?

11 A. I don't remember.

12 Q. Was it daily?

13 A. I don't remember.

14 Q. Was it weekly?

15 A. I don't remember.

16 Q. Now, in addition to actually
17 creating the meat products, did Mr. Zuluaga
18 also ask you to create labels and package
19 designs?

20 MS. TUFARIELLO: Objection. I
21 don't think the witness indicated that
22 Mr. Zuluaga asked them to create the meat
23 products. You're misstating testimony.
24 Can you re-ask the question, please?

25 Q. In addition to Mr. Zuluaga asking

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2 you to manufacture meat products, did you also
3 create the labels and packaging designs?

4 A. Yes, I did.

5 Q. Now, how many Latinfoods products
6 did you design the labels for?

7 A. I don't remember.

8 Q. Do you remember the brand names
9 that you were asked to design labels for?

10 A. Yes.

11 Q. And what were they?

12 A. Zenu Salchichon Tradicional, Zenu
13 Ceveroni --

14 Q. Let me just stop you. I'm not
15 asking for the specific products but the brand
16 names. So Zenu is one brand name?

17 A. Then Zenu, that's it.

18 Q. Were you asked to do any work under
19 the Ranchera brand?

20 A. Yes, I was.

21 Q. Other than Zenu and Ranchera, were
22 you asked to do work on any other brands for
23 Latinfoods?

24 A. No, I was not.

25 Q. Does Ciabo Meats still work with

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2 Mr. Zuluaga?

3 A. Yes. Ciabo Meats still does.

4 Q. Does Yayi Photography still do work
5 for Mr. Zuluaga?

6 A. No, Yayi Photography does not.

7 Q. When did Yayi Photography stop
8 doing work for him?

9 A. Sometime in 2013.

10 Q. Why did you stop doing work for
11 him?

12 A. The job was finished.

13 Q. Do you hold any ownership interest
14 in Latinfoods?

15 A. No, I do not.

16 Q. Does your dad own any ownership
17 interest or investment in Latinfoods?

18 A. Not to my knowledge.

19 Q. Does anyone at Ciabo Meats own any
20 ownership interest or have an investment in
21 Latinfoods?

22 A. Not to my knowledge.

23 Q. Did Yayi Photography start doing
24 work for Mr. Zuluaga at the same time that
25 Ciabo Meats started doing work for him?

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2 products or brands in Colombia?

3 A. I'm sorry, repeat it one more time.

4 MR. KADOSH: Try reading it back.

5 (The record is read back by the
6 reporter.)

7 MS. TUFARIELLO: Objection.

8 A. No.

9 MS. TUFARIELLO: Can we take a
10 break, please?

11 MR. KADOSH: Sure. Like a quick
12 break or --

13 MS. TUFARIELLO: Very, very quick.
14 Two minutes.

15 MR. KADOSH: Sure.

16 (A brief recess was taken from
17 10:57 a.m. to 10:59 a.m.)

18 MR. KADOSH: Back on the record.

19 Q. Just going back to the question,
20 what did Mr. Zuluaga tell you about the Zenu
21 brand?

22 MS. TUFARIELLO: Objection. Can
23 you get a little bit more specific?
24 Because what did he --

25 MR. KADOSH: I just want anything

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2 she can recall.

3 MS. TUFARIELLO: What time period?

4 At the beginning? At the end? In

5 between? Calls for a narrative.

6 MR. KADOSH: We're now at the start

7 of the relationship.

8 MS. TUFARIELLO: So at the very

9 beginning?

10 MR. KADOSH: Yes.

11 A. I don't know -- can you repeat the
12 question again question?

13 Q. Sure. What did Mr. Zuluaga tell
14 you about the Zenu brand?

15 A. That it was very popular in
16 Colombia.

17 Q. What work did Mr. Zuluaga want in
18 connection with the Zenu brand?

19 MS. TUFARIELLO: Objection, asked
20 and answered. Answer the question.

21 A. He wanted us, as in Ciabo Meat
22 Products, to manufacture products for him.

23 Q. Then did he also ask you to design
24 labels --

25 MS. TUFARIELLO: Objection.

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2 Q. -- for his Zenu products?

3 MS. TUFARIELLO: I'm sorry. I
4 didn't mean to interrupt. Ask who? Ask
5 Ciabo? Ask Yayi? You're commingling now
6 everything.

7 Q. Did he ask Yayi?

8 A. Yes, he did.

9 Q. Did Mr. Zuluaga give you any
10 examples of the labels that he wanted you to
11 design?

12 A. Yes, he did.

13 Q. What did he give you?

14 A. He told us the website,
15 zenu.com.co.

16 Q. What did you understand that
17 website to be?

18 A. His website.

19 Q. It was your understanding that
20 zenu.com.co was a website that was operated by
21 Mr. Zuluaga?

22 A. No.

23 Q. What was your understanding as to
24 who owned or operated that website?

25 A. It was my impression, not

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2 understanding, my impression.

3 Q. So it was your impression that
4 Mr. Zuluaga owned or operated the zenu.com.co
5 website?

6 A. Yes.

7 Q. How did you form that impression?

8 A. Because he told us to go to the
9 website to look at it.

10 Q. Did he tell you that he owned or
11 operated the website?

12 A. No, he did not.

13 Q. Now, in terms of making the meat
14 products for the Zenu brand, did Mr. Zuluaga
15 give you the recipe?

16 A. No, he did not.

17 Q. What instructions did he give you
18 in terms of creating the meat products?

19 A. We gave him some of our samples so
20 he can taste it to see which one was close.

21 MR. KADOSH: I want to mark this as
22 Exhibit 3.

23 (E-mail Bates stamped CIB-000001 to
24 000002 was marked Exhibit 3 for
25 identification, as of this date.)

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2 Q. Ms. Horta, you've been handed a
3 document that has been marked Exhibit 3, it
4 bears the Bates No. CIB-000001 to 000002. The
5 first page of the document is written in
6 Spanish, do you read Spanish?

7 A. Yes, I do.

8 Q. Okay. In case you have any
9 difficulty, there's also a translation that was
10 provided by your attorney on the second page,
11 at least with respect to the top e-mail. If
12 you could just take a moment to review the
13 document. We'll work off of the translation
14 just to make things simpler.

15 So this is an e-mail from
16 Mr. Zuluaga to jisidor@ciabomeat.com, is
17 jisidor@ciabomeat -- is that your dad's e-mail
18 address?

19 A. Yes, it is.

20 Q. In the first paragraph of the
21 e-mail Mr. Zuluaga writes, "I'm writing to let
22 know that I'm going to have products sent
23 directly from Colombia to you so that you can
24 have the ingredients in your hand, flavor, et
25 cetera."

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2 on the record.

3 A. I answered it before.

4 Q. What I'm trying to establish now is
5 when that conversation that you had with
6 Mr. Zuluaga where he told you to look at the
7 website -- when that happened in time relative
8 to this e-mail and my question is whether that
9 conversation where he told you to look at the
10 website happened before you sent this e-mail.

11 MS. TUFARIELLO: Objection. Your
12 question assumes facts not in evidence.
13 When you asked -- when the witness
14 testified, she said Mr. Zuluaga directed
15 us to go to the website, she did not
16 testify that there was a conversation.
17 You're assuming that just because
18 Mr. Zuluaga directed that there was a
19 conversation. Perhaps you may want to
20 rephrase the question.

21 MR. KADOSH: I don't, because any
22 direction to do something necessarily
23 implies some communication, whether it is
24 verbal or written.

25 MS. TUFARIELLO: But you haven't

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2 laid the foundation to whom the
3 communication was with. Maybe it was not
4 directly with the witness and it was with
5 somebody else and somebody else directed
6 her. You haven't laid the foundation.

7 Q. Please just answer the question.

8 A. Can you please repeat the question?

9 (The record is read back by the
10 reporter.)

11 A. I don't remember.

12 Q. Now, the next line down you say,
13 "Do you have permission to use their images?"
14 When you're referring to "their images," who
15 are you referring to?

16 A. The website.

17 Q. Now, if you were under the
18 impression that it was his website, why would
19 you be asking him whether he had permission to
20 use the images from his own website?

21 A. I don't remember.

22 Q. Isn't it true that you were asking
23 him whether he had permission to use their
24 images because the website was actually
25 operated by the Colombian Zenu?

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2 A. I don't remember.

3 Q. You then ask, "Especially for label
4 purposes." Why is it significant that you're
5 using images from the Zenu website for label
6 purposes?

7 MS. TUFARIELLO: Objection. That's
8 not -- I'm confused. Can you answer the
9 question?

10 A. Can you please repeat it?

11 (The record is read back by the
12 reporter.)

13 MS. TUFARIELLO: Objection.

14 A. I stated in the e-mail why.

15 Q. Please elaborate.

16 MS. TUFARIELLO: Read it.

17 A. Okay. "If not, there can be
18 lawsuits from the company to you for using
19 their images without permission."

20 Q. Okay. And when you say that there
21 can be lawsuits from the company, isn't it true
22 that you're referring to the company that
23 operates the zenu.com.co website?

24 A. Yes.

25 Q. And isn't it also clear that that

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2 company is someone other than Mr. Zuluaga?

3 MS. TUFARIELLO: Objection as to
4 characterization. What is your question?

5 Q. Just answer my question.

6 A. I don't remember.

7 Q. So you can't recall why you asked
8 Mr. Zuluaga whether he'd be concerned about
9 lawsuits if you used images from the
10 zenu.com.co website?

11 A. This was six years ago. I don't
12 remember.

13 Q. Did Mr. Zuluaga tell you that he
14 had permission?

15 A. I don't remember.

16 Q. How did Mr. Zuluaga respond to the
17 concern about lawsuits?

18 A. I don't remember.

19 Q. If you can turn to the next page.
20 Starting from the top it says, "In terms of the
21 Salchichon: first, we had the Cervezero
22 Premium using the Ciabo Meat Campesino Salami
23 because you said it was close to its taste."

24 What are you discussing in this
25 sentence?

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2 A. The flavor of the products of
3 Ciabo's products to the ones that he wants us
4 to manufacture.

5 Q. So there was a product called
6 Cervezero Premium, is that a product that
7 Mr. Zuluaga was asking you to manufacture?

8 A. Yes.

9 Q. And you wanted to use a particular
10 Ciabo Meat product, the Campesino Salami; isn't
11 that correct?

12 A. Yes.

13 Q. And the reason you wanted to use
14 the Campesino Salami product is because you
15 said it was close to its taste, what is the
16 "its" referring to over here?

17 A. The taste of the product. We're
18 referring to the taste of the product based on
19 what Zuluaga thinks is the taste for that
20 product.

21 Q. Isn't it true that it's referring
22 to the taste of the Colombian Zenu product with
23 the same name?

24 A. Yes.

25 Q. Let's read on. "Then changed your

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2 mind to using Tradicional, which is Ciabo Meat
3 Del Pueblo Salami."

4 What is being conveyed in this
5 sentence?

6 A. Tradicional is another product that
7 he wants us to manufacture. Ciabo Meat Del
8 Pueblo is a product that Ciabo makes and that's
9 another recipe.

10 Q. Isn't it true that here too
11 Mr. Zuluaga was asking you to try to copy or
12 mimic the taste of the Colombian Zenu product
13 that goes by the same name?

14 A. I don't know.

15 Q. Isn't it true that the Colombian
16 Zenu makes a product called Tradicional, a
17 salchichon product named Tradicional?

18 A. I don't remember.

19 Q. You were on their website earlier
20 that same day looking at labels?

21 A. Yes. On that day, but I today
22 can't remember. Maybe if it was around the
23 time frame when it happened, I could remember,
24 but I don't remember at this time. I cannot
25 recall.

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2 answer, please?

3 (The record is read back by the
4 reporter.)

5 MR. KADOSH: Mark this, please.

6 (Image of label was marked Exhibit
7 6 for identification, as of this date.)

8 Q. I've handed you a document that's
9 been marked Exhibit 6, you can take a moment to
10 review it and also open up Exhibit 5 to that
11 first label and if you can just put them side
12 by side.

13 MS. TUFARIELLO: Counsel, you're
14 talking about the label that's reflected
15 on page No. Latin 278?

16 MR. KADOSH: Yes, correct.

17 Q. What you've been handed and what's
18 been marked as Exhibit 6 is an image of a label
19 from the chorizos that are manufactured by the
20 Colombian Zenu.

21 MS. TUFARIELLO: Is that your
22 testimony? Is that what you're saying?
23 Because there's really --

24 MR. KADOSH: That is my
25 representation.

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2 MS. TUFARIELLO: Okay.

3 Q. You can also see in the bottom
4 corner a little circle that says "Nutreza,"
5 which is one of the parent companies of the
6 Colombian Zenu. Now, just going to your label
7 for a moment, where did you get the idea to
8 write Zenu in red letters like this?

9 A. That was the client's logo.

10 Q. So the client -- so the client, and
11 that is Mr. Zuluaga, provided you with a design
12 of the Zenu?

13 A. No, he did not.

14 Q. Did you develop it?

15 A. Yayi Photography developed it based
16 on Zuluaga's instructions.

17 Q. And what were Mr. Zuluaga's
18 instructions?

19 A. That he wanted it to look similar
20 to that, the -- the Zenu of Colombia.

21 Q. The Zenu of Colombia. And then
22 moving down a little bit on the label, do you
23 see where it says "Chorizo Colombiano" in white
24 letters in a black box?

25 MS. TUFARIELLO: Which document are

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2 you referring to?

3 MR. KADOSH: I'm referring to Latin
4 278, the label that was designed by Yayi
5 Photography.

6 Q. Do you see where in the label it
7 says "Chorizo Colombiano" in white letters in a
8 kind of black box at the edge?

9 A. Yes.

10 Q. How did you develop that idea?

11 A. Based on the chorizo from the
12 zenu.com.co.

13 Q. Okay. So it's your testimony that
14 you saw a label, a chorizo label, on the
15 zenu.com.co website and you tried to mimic the
16 label that you were developing for Mr. Zuluaga
17 based on the image that you saw on that
18 website?

19 A. Can you repeat that one more time,
20 please?

21 MR. KADOSH: Please.

22 (The record is read back by the
23 reporter.)

24 A. One more time.

25 (The record is read back by the

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2 reporter.)

3 A. Could you rephrase the question,
4 please?

5 Q. Sure. I asked you how you came
6 about a design element on the label that you
7 designed, and the specific design element that
8 I was asking you about was the black box with
9 the white lettering that says "Chorizo
10 Colombiano" and my question to you was how did
11 you come up with this design element of the
12 black box with the white lettering and what is
13 your answer?

14 A. Based on Wilson's direction and the
15 website of zenu.com.co to try to have something
16 similar.

17 Q. So Wilson Zuluaga's direction was
18 to try to make the labels that you were
19 designing similar to the labels that you saw on
20 the zenu.com.co website?

21 A. Correct.

22 Q. Let's move on to the next page of
23 your labels, so Latin 279.

24 MS. TUFARIELLO: Still on Exhibit

25 5?

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2 MR. KADOSH: Yes.

3 Q. Is this a label that you designed?

4 A. Yes, it is.

5 Q. And how did you come up with the
6 design for this label?

7 A. Similar answer as to the one
8 before, based on Zuluaga's instructions.

9 Q. And Mr. Zuluaga's instructions were
10 to design the labels based on the images that
11 you saw in the zenu.com.co website?

12 A. Yes.

13 Q. Latin 280, is this a -- I forgot
14 the term that you used for it, it's not a
15 label. What is it?

16 A. A casing.

17 Q. Is this a casing that you designed?

18 A. Yes, it is.

19 Q. How did you come up with the design
20 for this casing?

21 A. Based on Zuluaga's direction.

22 Q. And Zuluaga's direction was to try
23 to mimic images that you had seen on the
24 zenu.com.co website?

25 A. Correct.

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2 MR. KADOSH: Mark this, please.

3 (Documents Bates No. CIB 0029 to
4 0039 were marked Exhibit 7 for
5 identification, as of this date.)

6 Q. Ms. Horta, you've been handed a
7 document that's been marked Exhibit 7, it
8 starts with the Bates No. CIB 0029 and ends at
9 0039, if you can take a moment to review the
10 document.

11 Now, this document, the first page
12 of it, is an e-mail from you to Mr. Zuluaga on
13 the bottom half of the page; is that correct?

14 A. Yes.

15 Q. And then the top is an e-mail from
16 Mr. Zuluaga to you --

17 A. Yes.

18 Q. -- and your dad is copied on both
19 of them. These e-mails are sent -- this
20 e-mail -- both of these e-mails are dated
21 October 24th, which means they're about a week
22 after the e-mail that we just looked at in
23 Exhibit 5; isn't that correct?

24 A. Yes.

25 Q. And you say, "Attached are all the

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2 images that will be used for your product line.
3 Please send me an e-mail with the word
4 'approved' for all the images here" and then
5 what does Mr. Zuluaga respond to you in the top
6 e-mail?

7 A. "All images are hereby approved."

8 Q. Now, I want to just compare some of
9 these labels with the images in Exhibit 5. So
10 if you can take Exhibit 5 and have that on one
11 side of your page and so let's start by
12 comparing in Exhibit 5, 278, to the attachment
13 to this e-mail, which is CIB 0031.

14 These are basically the same label;
15 is that correct?

16 A. Yes, that is correct.

17 Q. And so Mr. Zuluaga was approving
18 this label?

19 A. Yes, he was.

20 Q. We can move in Exhibit 5 to 279 and
21 then compare that to CIB 33. These are also
22 basically the same label; isn't that correct?

23 A. Yes, that is correct.

24 Q. And Mr. Zuluaga approved that
25 label?

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2 A. Yes, he did.

3 Q. Then if you move to Latin 280 in
4 Exhibit 5 and compare that to CIB 37, these are
5 also basically the same label; isn't that
6 correct?

7 A. Yes, that is correct.

8 Q. And Mr. Zuluaga approved that
9 label; isn't that correct?

10 A. Yes, he did.

11 MR. KADOSH: Mark this, please.

12 (Image of label was marked Exhibit
13 8 for identification, as of this date.)

14 Q. You've been handed a document
15 marked Exhibit 8. This is a document that your
16 attorney had produced to us and I wanted to
17 know if you recognize this label.

18 A. Yes, I do.

19 Q. What is this label?

20 A. A Ranchera label.

21 Q. Is this a label that you designed?

22 A. No, it is not.

23 Q. So where did you receive this
24 label?

25 A. Zuluaga brought it to our office.

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2 Q. Why did Mr. Zuluaga give you this
3 label?

4 A. To see if we could match the taste
5 of this product.

6 Q. Did he also ask you to develop a
7 label whose design was similar to this label?

8 A. I don't remember.

9 Q. Why did you hold on to this label?

10 A. I wanted to see if I could find a
11 font similar to like the little -- that cowboy
12 font that they use for Ranchera.

13 Q. And why did you want to see if you
14 could find that font?

15 A. Because he wanted us to do a
16 product Ranchera.

17 Q. A Ranchera product?

18 A. Correct.

19 Q. And he wanted you to use a similar
20 font?

21 A. He didn't specify.

22 Q. Okay. So it was at your own
23 initiative?

24 A. Yes. So I can use that when I did
25 a design for him for that label.

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2 Q. Did he tell you anything else about
3 what he wanted for the Ranchera label?

4 A. A western look.

5 Q. Did he specifically ask that there
6 be pictures of people at a campfire?

7 A. I don't remember.

8 Q. Did he ask that the Ranchera name
9 appear in red surrounded by a white and black
10 border?

11 A. I don't remember.

12 Q. Now, did there come a time in 2017
13 when Mr. Zuluaga reached out to you about
14 trying to obtain documents?

15 A. Yes, he did.

16 Q. Tell me what you recall about that
17 conversation.

18 A. My --

19 Q. By conversation I mean in any way,
20 e-mail, text, phone.

21 A. It was a phone call. I don't
22 remember the conversation per se, but I know he
23 did contact me.

24 Q. And what did he ask for in that
25 conversation?

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2 you have the original image files for these
3 pictures?

4 A. Correct.

5 Q. Is there anything more that you're
6 trying to say in this e-mail other than -- in
7 the sentences that we're discussing other than
8 that you actually took the images that appeared
9 on these packages?

10 MS. TUFARIELLO: Objection.

11 A. Can you repeat the question,
12 please?

13 (The record is read back by the
14 reporter.)

15 MS. TUFARIELLO: Objection.

16 A. Can you rephrase the question,
17 please?

18 Q. Sure. I'm trying to understand
19 what you're saying in this January 30, 2018,
20 e-mail, and to my understanding, and I'd like
21 you to correct that if it's wrong, you're
22 telling Mr. Zuluaga that you recall that there
23 were discussions back and forth on the phone
24 about whether -- about replicating the images
25 from the company; is that correct?

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2 A. No, that is not correct. What I'm
3 saying is that I recall we spoke a lot on the
4 phone and the images that you're referring to
5 are -- as Yayi Photography photographs that I
6 took myself of the plates used in the design of
7 the labels.

8 MR. KADOSH: Can you just read back
9 the last answer?

10 (The record is read back by the
11 reporter.)

12 Q. When you say, "I know the comment
13 of trying to replicate the images from the
14 company," what company were you referring to?

15 A. Zenu.com.co.

16 Q. Now, in this time period that we're
17 discussing of, you know, starting from December
18 2017 including the time that these e-mails
19 happened, which is January 2018 and up until,
20 you know, this deposition, did you have any
21 communications with Mr. Zuluaga by phone?

22 A. Probably. After all, he is a
23 client of Ciabo Meats. I just can't recall a
24 specific day or time.

25 Q. What were those conversations

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2 about?

3 A. His orders, when he places an
4 order.

5 Q. Did you discuss the lawsuit at all?

6 A. Never.

7 Q. Did he tell you about the lawsuit?

8 A. Before I was subpoenaed.

9 Q. What did he tell you?

10 A. That he was being sued, but he did
11 not go into detail.

12 Q. Did he tell you that the suit was
13 in connection with some products that you
14 helped design?

15 A. No. He did not go into detail.

16 Q. So you didn't know that the lawsuit
17 was in connection with labels that you helped
18 design?

19 A. I did not. Until I got subpoenaed.

20 Q. Now, when you spoke to Mr. Zuluaga
21 on the phone, was that on your business line or
22 your cell phone?

23 A. Business line only.

24 Q. So he never called your cell phone?

25 A. Never.

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C E R T I F I C A T E

STATE OF NEW YORK)

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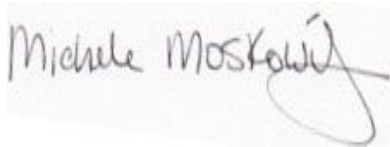
COUNTY OF NEW YORK)

I, MICHELE MOSKOWITZ, a Shorthand Reporter
and Notary Public within and for the State of
New York, do hereby certify:

That JALINE ISIDOR HORTA, the witness
whose examination is hereinbefore set forth,
was duly sworn by me and that this transcript
of such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 11th day of March, 2019.



MICHELE MOSKOWITZ